

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

---

IN RE: PHARMACEUTICAL INDUSTRY AVERAGE  
WHOLESALE PRICE LITIGATION

---

MDL No. 1456

C.A. No. 01-12257-PBS

THIS DOCUMENT RELATES TO:

Judge Patti B. Saris

ALL ACTIONS

---

**MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO  
CLASS COUNSEL’S MOTION FOR SANCTIONS AGAINST DON HAVILAND**

Donald E. Haviland, Jr., hereby respectfully moves the Court for an order extending the time by which Mr. Haviland must respond to Class Counsel’s Motion for Sanctions. In support of this motion, Mr. Haviland states as follows:

1. On April 16, 2010, Class Counsel moved for an Order entering sanctions against Mr. Haviland based on the filing of a Notice of Voluntary Dismissal pertaining to the individual claims of Plaintiffs Larry Young, on behalf of the Estate of Patricia Young, and Ken Wright, the co-executor of the Estate of Therese Shepley, on behalf of the Estate of James Shepley (“Plaintiffs Shepley and Young”).
2. The Court scheduled a 23(e) Dismissal Hearing for May 3, 2010.
3. On April 28, 2010, Class Counsel moved to vacate the May 3<sup>rd</sup> hearing. This Court entered an electronic order on April 30, 2010, vacating the May 3 hearing on the Notice of Voluntary Dismissal and scheduling a hearing on the Motion for Sanctions for June 21, 2010.
4. There appears to be no disagreement between the parties respecting the voluntary dismissal of the individual claims of Plaintiffs Shepley and Young. *See* Class Counsel’s Position Statement Regarding Don Haviland’s Withdrawal of J&J Class 1 Representatives at 1 (“Class

Counsel do not oppose the withdrawal.”); The J&J Defendants’ Statement of Position Concerning the Dismissal of the Claims by the Current Class Plaintiffs’ Representatives at 1 (“the J&J Defendants take no position on whether Larry Young and Ken Wright, as co-executor of the estate of Therese Shepley (the ‘current class plaintiffs’ representatives’), should be permitted to dismiss their claims...”)

5. The lingering question remaining is Class Counsel’s desire for unspecified sanctions against Mr. Haviland based upon an unfounded belief about impropriety. That desire should not impede the Court’s decision to promptly dismiss the claims of Plaintiffs Shepley and Young.

6. As stated above, Class Counsel’s Motion for Sanctions was filed and served on April 16, 2010. The Motion contained two (2) exhibits that were filed under seal with the Court. Mr. Haviland has not yet been served with the two (2) exhibits that were filed under seal and is therefore not in a position to fully respond to the Motion.

7. Assuming Class Counsel is able to serve Mr. Haviland with a complete set of all of the exhibits attached to their Motion by early next week, Mr. Haviland will be able to fully respond to the same by Friday May 7, 2010.

WHEREFORE, Mr. Haviland respectfully requests that this Court enter an Order extending the time by which Mr. Haviland must respond to Class Counsel’s Motion for Sanctions until May 7, 2010.

Dated: April 30, 2010

By: /s/ Donald E. Haviland, Jr.  
Donald E. Haviland, Jr., Esquire  
**HAVILAND HUGHES, LLC**  
111 S. Independence Mall East  
The Bourse, Suite 1000  
Philadelphia, PA 19106  
Telephone: (215) 609-4661  
Facsimile: (215) 392-4400

Counsel for Larry Young and Ken Wright, co-executor of the estate of Therese Shepley

**CERTIFICATE OF SERVICE**

I, Donald E. Haviland, Jr., Esquire, hereby certify that on, April 30, 2010, I filed the Motion for Extension of Time to File Response to Class Counsel's Motion for Sanctions Against Don Haviland with the Clerk of this Court and used the CM/ECF system to send notification of such filing to all registered person(s).

/s/ Donald E. Haviland, Jr.